

Legislative Fiscal Bureau

Fiscal Note

SF 2146 - Terrorism - Class A Felony (LSB 5161 SV.2)

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Fiscal Note Version – As Amended and Passed by the House

Requested by Senator O. Gene Maddox

Description

Senate File 2146, as amended and passed by the House, defines terrorism and provides that a person who kills another while participating in an act of terrorism commits a Class A felony. A person who commits or attempts to commit an act of terrorism commits a Super Class B felony (subject to incarceration for no more than 50 years). The Bill provides that soliciting or participating in an act of terrorism is a Class B or Class C felony, depending upon the value of the material support or resources. A person who makes a threat of terrorism commits a Class D felony. A person who obstructs the prosecution of terrorism that resulted in the death of another, commits a Class B felony. A person who obstructs the prosecution of terrorism that does not result in death commits a Class C felony. The Bill changes the name of the current criminal offense of “terrorism” to “intimidation with a dangerous weapon.”

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections’ practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. “Civilian population” in the Bill means large numbers of people. Certain acts of arson or vandalism are not subject to the amended definition of terrorism.
6. Acts of terrorism as defined in the Bill will continue to be rare events in Iowa.
7. There is no significant correctional or fiscal impact due to the proposed Class A felony offense. Homicides while participating in a forcible felony are already punishable by life in prison without parole.
8. There is no significant correctional or fiscal impact due to the proposed Super Class B felony offense, assuming terrorism continues to be a rare event in Iowa.
9. Average length of stay in prison is 87 months for a Class B felony, 51 months for a Class C felony, and 25 months for a Class D felony. The marginal cost per day for State prisons is \$16 per inmate.
10. Average length of stay on parole is 36 months for a Class B felony, 30 months for a Class C felony, and 29 months for a Class D felony. The marginal cost per day for parole and probation supervision is \$1.55 per offender.
11. The median cost for indigent defense per case is \$3,500 for a Class B felony, \$1,200 for a Class C felony, and \$1,000 for a Class D felony.
12. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant.

Correctional Impact

There is no data with which to estimate the correctional impact of creating new offenses of terrorism. However, there will be a correctional impact to the extent that convictions under this statute occur, but that impact is not anticipated to be significant.

Fiscal Impact

The fiscal impact of creating new offenses of terrorism cannot be determined due to insufficient information; however, it is not anticipated to be significant.

Sources

Department of Corrections
State Public Defender's Office
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Supreme Court of Iowa

/s/ Dennis C Prouty

March 13, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
